



February 25, 2005

HOUSE BILL No. 1261

DIGEST OF HB 1261 (Updated February 23, 2005 7:06 pm - DI 73)

Citations Affected: IC 36-9.

Synopsis: Regional transportation authority members. Adds the following members to the Lake County regional transportation authority: (1) the mayor of Valparaiso or the mayor's designee; (2) the mayor of Portage or the mayor's designee; and (3) a member of the Porter County board of commissioners or the member's designee. Provides that the members appointed from Porter County may not vote on the distribution or payment of money by the authority, unless Porter County pays a share of the authority's budget.

Effective: July 1, 2005.

Ayres, Kuzman, Lehe

January 6, 2005, read first time and referred to Committee on Local Government.
February 24, 2005, amended, reported — Do Pass.

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February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1261

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-9-3-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An authority is under the
3 control of a board (referred to as "the board" in this chapter) that,
4 except as provided in subsections (b) and (c), consists of:

5 (1) two (2) members appointed by the executive of each county in
6 the authority;

7 (2) one (1) member appointed by the executive of the largest
8 municipality in each county in the authority;

9 (3) one (1) member appointed by the executive of each second
10 class city in a county in the authority; and

11 (4) one (1) member from any other political subdivision that has
12 public transportation responsibilities in a county in the authority.

13 (b) An authority that includes a consolidated city is under the
14 control of a board consisting of the following:

15 (1) Two (2) members appointed by the executive of the county
16 having the consolidated city.

17 (2) One (1) member appointed by the board of commissioners of

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the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following sixteen (16) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

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- 1 (A) A town with a population of more than fifteen thousand
 2 (15,000) but less than twenty thousand (20,000).
 3 (B) A town with a population of more than twenty-three
 4 thousand (23,000) but less than twenty-four thousand
 5 (24,000).
 6 (C) A town with a population of more than twenty thousand
 7 (20,000) but less than twenty-three thousand (23,000).
 8 (5) One (1) member who is jointly appointed by the fiscal body of
 9 the following municipalities located within a county with a
 10 population of more than four hundred thousand (400,000) but less
 11 than seven hundred thousand (700,000):
 12 (A) A town with a population of more than eight thousand
 13 (8,000) but less than nine thousand (9,000).
 14 (B) A town with a population of more than twenty-four
 15 thousand (24,000) but less than thirty thousand (30,000).
 16 (C) A town with a population of more than twelve thousand
 17 five hundred (12,500) but less than fifteen thousand (15,000).
 18 (6) One (1) member who is jointly appointed by the following
 19 authorities of municipalities located in a county having a
 20 population of more than four hundred thousand (400,000) but less
 21 than seven hundred thousand (700,000):
 22 (A) The executive of a city with a population of more than
 23 nineteen thousand eight hundred (19,800) but less than
 24 twenty-one thousand (21,000).
 25 (B) The fiscal body of a town with a population of more than
 26 nine thousand (9,000) but less than twelve thousand five
 27 hundred (12,500).
 28 (C) The fiscal body of a town with a population of more than
 29 five thousand (5,000) but less than eight thousand (8,000).
 30 (D) The fiscal body of a town with a population of less than
 31 one thousand five hundred (1,500).
 32 (E) The fiscal body of a town with a population of more than
 33 two thousand two hundred (2,200) but less than five thousand
 34 (5,000).
 35 (7) One (1) member appointed by the fiscal body of a town with
 36 a population of more than thirty thousand (30,000) located within
 37 a county with a population of more than four hundred thousand
 38 (400,000) but less than seven hundred thousand (700,000).
 39 (8) One (1) member who is jointly appointed by the following
 40 authorities of municipalities that are located within a county with
 41 a population of more than four hundred thousand (400,000) but
 42 less than seven hundred thousand (700,000):

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(A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).

(B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000) or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000) or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

SECTION 2. IC 36-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred

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1 thousand (700,000), then:

2 (1) an affirmative vote of a majority of the board is necessary for
3 an action to be taken; and

4 (2) a vacancy in membership does not impair the right of a
5 quorum to exercise all rights and perform all duties of the board.

6 **(d) This section applies to an authority that includes a county**
7 **having a population of more than four hundred thousand (400,000)**
8 **but less than seven hundred thousand (700,000). A member**
9 **described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter**
10 **may not vote on the distribution or payment of money by the**
11 **authority, unless a county with a population of more than one**
12 **hundred forty-five thousand (145,000) but less than one hundred**
13 **forty-eight thousand (148,000) pays to the authority the county's**
14 **share of the authority's budget under this chapter and as agreed by**
15 **the counties participating in the authority.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 24 through 28.

Page 4, line 29, delete "(13)" and insert "(12)".

Page 4, line 32, delete "(14)" and insert "(13)".

Page 4, line 35, delete "(15)" and insert "(14)".

Page 4, after line 39, begin a new paragraph and insert:

"SECTION 2. IC 36-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

(1) an affirmative vote of a majority of the board is necessary for an action to be taken; and

(2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A member described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority, unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1261 as introduced.)

HINKLE, Chair

Committee Vote: yeas 9, nays 0.

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